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February 10, 2022

Via ECF

Hon. Alvin K. Hellerstein
Senior Judge, United States District Court, S.D.N.Y.
c/o United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Seabrook v. United States (2255)
(21-cv-08767)

Dear Judge Hellerstein:

I write to the Court to respectfully request a status conference in connection with the above captioned *habeas corpus* proceeding pursuant to 28 U.S.C. 2255. The case, I note, been pending for over three months, and the Respondent has neither filed a sworn response, or been judicially directed to do so.

Against this backdrop, Petitioner's counsel seeks a conditional order of preclusion - i.e. precluding the filing of a response unless one is served by March 4th, 2022. If it is, counsel would like to address (or be heard) on a possible referral to a Magistrate Judge. Counsel has made this request on notice to Respondent's counsel, and your letter, but the Government has not filed a response indicating either an intent to oppose the aforesaid referral, or to consent to it.

In this connection, I noted that Magistrate Judge Cott has noted both the Government's lack of consent, and the absence of a precedential holding by the United Court of Appeals for the Second Circuit addressing such referral requests.

In this connection, I note that I have written to Government counsel addressed to this, most recently on February 1st, 2022, and not received a substantive response. I will await the Court's response to my request to schedule a status conference on a date, and at a time, convenient to the Court within the next 30 days.

Very truly yours,



Roger Bennet Adler
Attorney for Petitioner Norman Seabrook

RBA/gr

Cc:

Via ECF

Assistant U.S. Attorney Lara Pomerantz
c/o U.S. Attorney's Office, S.D.N.Y.

Via 1st Class Mail

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